

LEONARD L. LEVENSON & ASSOCIATES

A PROFESSIONAL LAW CORPORATION

LEONARD L. LEVENSON*

424 GRAVIER STREET
FIRST FLOOR
NEW ORLEANS 70130

TELEPHONE (504) 586-0066
FACSIMILE (504) 586-0079

COLLEEN BOYLE GANNON
CHRISTIAN W. HELMKE
DONNA R. BARRIOS

*A PROFESSIONAL LAW CORPORATION

July 24, 2019

MuckRock News
DEPT MR 77809
411A Highland Avenue
Somerville, MA 02144-2516

*Re: Public Records Request
Gretna City Police Department
Received July 23, 2019*

Dear Taylor Amarel:

Please be advised that your Public Records Request (“PRR”) dated July 23, 2019, directed to the Gretna City Police Department (“GPD”), has been forwarded to us, as legal counsel for the GPD for proper response. Therefore, we are responding in the stead of and on behalf of the custodian of records as the custodian’s legal counsel.

As I appreciate your request, you are seeking the following:

1. All emails sent to, from, or copied to Arthur Lawson, Chief of Police from June 1, 2019 to present day containing any of the following non-case-sensitive key-strings: “rape”, “whistleblower”, “AOC”, or “needs a round.”

We note this request is limited for the temporal period of June 1, 2019 to the present.

With respect to your request, as you are aware, under Louisiana law, the Custodian of the records may not release any information which is privileged, confidential or otherwise protected from disclosure by Louisiana or federal law. It is possible, although subject to a complete review of responsive information, that some of the information you have requested may not constitute a public record, or may be subject to exemption from production (LSA-R.S. §§ 44:3).

However, until the information is retrieved and reviewed, if existent, and assuming it is

MUCKROCK NEWS

DEPT MR 77809

RE: PUBLIC RECORDS REQUEST

GRETNNA CITY POLICE DEPARTMENT

RECEIVED JULY 23, 2019

JULY 24, 2019

PAGE -2-

able to be retrieved and reviewed based upon the information provided, these questions may or may not be able to be fully answered.

These types of records are not maintained by my client in a format that would make it possible to readily respond in the manner in which you seek. However, every reasonable effort shall be undertaken to respond to your request.

As you know, based upon your request, a somewhat exhaustive search must be conducted and the results reviewed for material which may be non-public, or which may be exempt from production as mandated by the Louisiana Public Records Law, or other applicable laws.

Public entities are not always required to bear the burden and expense of public record requests, and we request that you consider and understand the possible burdensome nature of your request and the time required to properly respond to your request. In certain instances, public entities are not required to respond immediately to a PRR. (R.S. §§ 44:32(A),(B), R.S. §§ 44:33(A)(2); Op. Atty. Gen. No. 93-139, No. 81-615; *Beckett v. Serpas*, 112 So 3d 348 (La. App. 4TH Cir. 3/20/12), *Vandenwagh v. Par. of Jefferson*, 70 So 3d 51, (La. 9/30/11)).

At this time we are not stating that your request is unduly burdensome, however, we reserve that right once the records have been searched and we learn of the breadth of responsive documents revealed as responsive to your request. We also reserve the right to seek reimbursement for compliance, if permitted under Louisiana law.

Once we have determined exactly what information exists in response to your request, as well as what information is subject to disclosure under Louisiana law as set forth above, we shall provide you with an estimate of the cost of responding to your request (if any) as mandated by Louisiana law.

Please be advised that due to the nature of your request, the GPD is not required to respond within three (3) business days of your request, except to state the reasons why it is not feasible to respond so quickly. (R.S. §§ 44:32(D)). Whatever records are discovered which appear responsive to your request, must be examined by us to determine if they contain any non-public information, or if they contain information

MUCKROCK NEWS

DEPT MR 77809

RE: PUBLIC RECORDS REQUEST

GRETNNA CITY POLICE DEPARTMENT

RECEIVED JULY 23, 2019

JULY 24, 2019

PAGE -3-

which is exempt from Louisiana Public Records Law such as, but not limited to, attorney-client privileged communications.

Notwithstanding the foregoing, we reserve the right to determine whether or not your PRR is unduly burdensome and oppressive in order to provide a response and therefore, such a search would not be required by Louisiana law due to the required resources to be expended (R.S. §§ 44:33(A); *Beckett v. Serpas*, 112 So 3d 348 (La. App. 4TH Cir. 3/20/12), *Vandenwagh v. Par. of Jefferson*, 70 So 3d 51, (La. 9/30/11)). Based upon the limited time period of your request, we do not expect the response to be unduly burdensome or oppressive.

Also, Louisiana does not require the maintaining of public records beyond a three (3) year limitation. However, in certain limited instances, records are maintained beyond that date. If any records you are requesting are beyond that three (3) year period, those records may, or may not, be available.

Our client is in the process of searching for responses at this time.

We estimate the time necessary to collect, segregate (if necessary), examine, redact (if necessary) or review the records not to exceed a period of one (1) week from the date of this correspondence. If any difficulty or problems arise, we reserve the right to extend this estimated time for response (La. R.S. §§ 44:35(A)).

By providing this response to you, please be advised that the GPD has not waived any additional objection they have, or may have, with respect to your request, its form, nature, demands or substance.

In the event after additional investigation, further response is required, or other action is taken in furtherance of this request, or any subsequent requests, GPD and/or the custodian(s) of the records reserve(s) any and all rights granted by law, jurisprudence or Attorney General Opinion.

As I stated previously, as mandated by Louisiana law, it is the policy of GPD to undertake every reasonable effort to respond to PRRs. However, if the information is not required to be disclosed pursuant to Louisiana law, GPD will abide by that law.

MUCKROCK NEWS

DEPT MR 77809

RE: PUBLIC RECORDS REQUEST

GRETNNA CITY POLICE DEPARTMENT

RECEIVED JULY 23, 2019

JULY 24, 2019

PAGE -4-

Should you have any questions, please do not hesitate to contact me at the above number. Please be advised that you should direct your response, or further inquiries, if any, to me in writing, by U.S. Mails, or by facsimile transmission at 504.586.0079. Because of the volume of electronic transmissions we receive, responding by e-mail is substantially delayed and not preferred.

Thank you for your kind attention and cooperation in this matter.

Sincerely,

LEONARD L. LEVENSON

LLL/mmi

cc: Chief Arthur S. Lawson, Jr.
Mark C. Morgan, Esq. - City Attorney